

REMARKS/ARGUMENTS

Reconsideration of the restriction and/or election requirement in view of the following remarks is respectfully requested. Claims 1-12 are pending in the present application. The Office Action restricts the invention to one of the following:

- (i) Group I, claims 1-7, drawn to an image sensor; and
- (ii) Group II, claims 8-12, drawn to a method of manufacturing a CMOS image sensor.

In response, Applicants provisionally elect, *with traverse*, to prosecute claims Group I, claims 1-7, drawn to an image sensor, along with any newly added claims drawn to the same species. Applicants respectfully reserve the right to prosecute the subject matter of the non-elected claim(s) in divisional or other continuing application.

With regard to Applicants traversal of the restriction requirement, Applicants respectfully note that if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions (MPEP 803). Accordingly, as the Action fails to demonstrate a serious burden on the Examiner with respect to searching and/or examination of the entire application (MPEP 803.02, 806.04(a), 808.01(a), and 808.02) in view of the admitted interrelationship of the features/elements defined by the various claims, reconsideration and

withdrawal of the restriction requirement and examination of the entire application on the merits

are respectfully requested.

Respectfully submitted,

/DAVID L. BARNES/
David L. Barnes, Reg. No. 47,407
Attorney for Applicant(s)

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. Box 3001

Briarcliff Manor, NY 10510

Tel: (914) 333-9693

Fax: (914) 332-0615

Email: dave.barnes@philips.com

www.ip.philips.com